IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Bail Appl..No. 5320 of 2007()

[CRIME NO.292/07 OF ANTHIKADU POLICE STATION, THRISSUR]

PETITIONER/1ST ACCUSED:

SHALI @ SALISH, S/O. SANKARANKUTTY,
KUNNAMPULLI HOUSE, KANJANI, THRISSUR DISTRICT.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
ANTHIKADU POLICE STATION, REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5320 of 2007

Dated this the 6th day of September 2007

O R D E R

Application for anticipatory bail. The petitioner is the first accused. He is the husband of the de facto complainant. He faces allegations inter alia under Section 498A I.P.C. The crime has been registered on the basis of a private complaint filed by the wife of the petitioner which was forwarded by the learned Magistrate to the police under Section 156(3) Cr.P.C. The marriage had taken place on 11/5/2003. The couple are blessed with one child. There is strain in the matrimony. The spouses are residing separately and notice demanding resumption of co-habitation was allegedly sent by the petitioner on 10/7/2007. Getting scent of the notice sent by the petitioner, the de facto complainant had hurriedly rushed to the court with a complaint dated 20/7/2007 raising allegations about incidents which took place as early as on 22/12/2005. It is submitted that the strain in the matrimony is prompting the de facto complainant to raise false, exaggerated and vexatious allegations against the petitioner. It is prayed that anticipatory bail may be granted to the petitioner.

2. The learned Public Prosecutor does not oppose the application. I reckon that as an informed and reasonable stand taken by the learned Public Prosecutor. There is no allegation of any physical cruelty resulting in any injuries on the victim. Appropriate conditions can of course be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 11/09/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 12/09/2007 and 13/09/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the

investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 11/09/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 11/09/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007